

MINUTES

CASE NUMBER: CIVIL NO. 16-00448LEK-KSC

CASE NAME: Benita J. Brown, individually and on behalf of all others similarly situated, et al. Vs. Porter McGuire Kiakona & Chow, LLP, a Hawai'i limited liability partnership, as individual entities, et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 04/04/2017

TIME:

COURT ACTION: EO: COURT ORDER SETTING BRIEFING DEADLINES FOR PENDING MOTIONS AND JOINDER

On August 10, 2016, Plaintiffs Benita J. Brown, Craig Connelly and Kristine Connelly, as individuals and on behalf of all others similarly situated (collectively "Plaintiffs"), filed their Class Action Complaint ("Complaint"). [Dkt. no. 1.]

On September 28, 2016, Defendant Ekimoto & Morris, LLC filed a motion to dismiss the Complaint ("E&M Motion"), and Defendant the Association of Apartment Owners of Terrazza/Cortbella/Las Brisas/Tiburon filed its motion ("Terrazza AOA Motion") on September 29, 2016. [Dkt. nos. 40, 42.] On October 14, 2016, Defendant Porter McGuire Kiakona & Chow, LLP filed a substantive joinder in the E&M Motion ("PMKC Joinder"). [Dkt. no. 65.] On October 3, 2016, Defendant Association of Apartment Owners of Ko Olina Kai Golf Estates and Villas filed its Motion for Judgment on the Pleadings on Counts I-IV of Plaintiffs' Class Action Complaint, Filed August 10, 2016 ("Ko Olina AOA Motion"). [Dkt. no. 46.]

The E&M Motion, PMKC Joinder, Terrazza AOA Motion, and Ko Olina AOA Motion (collectively "the Motions") were set for hearing on January 17, 2017, but, on December 21, 2016, this Court issued an entering order vacating the hearing, pending the disposition of the motions to dismiss in Galima v. Ass'n of Apartment Owners of Palm Court, et al., CV 16-00023 LEK-KSC. [Dkt. no. 71.]

On March 30, 2017, this Court issued the order ruling on the Galima motions to

dismiss (“Galima Order”). [Galima, dkt. no. 79.] This Court therefore ORDERS the parties to submit memoranda addressing: 1) how the instant case is different from Galima; and 2) why this Court’s analysis of Plaintiffs’ claims in the instant case should be different from this Court’s analysis in the Galima Order. The defendants’ respective memoranda must be filed by **April 25, 2017**, and Plaintiffs’ memorandum must be filed by **May 9, 2017**.

After this Court has reviewed the parties’ submissions, it will determine whether a hearing on the Motions is necessary.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager